

REMARKS

Claims 1-28 are pending in this application, none of which have been amended in this response.

Interview Summary

An interview was conducted by telephone between Examiner Gudibande and Andrew Kasnevich (Reg. No. 59,436) ("Applicants' Representative") on December 13, 2007. Claims 1, 6, 7, 18-21, and 25 were discussed in the course of this interview. The following summary of the substance of the interview is intended to ensure a complete recordation.

- 1) *Brief description of nature of any exhibit shown or any demonstration conducted*
Not applicable.
- 2) *Identification of the claims discussed*
Claims 1, 6, 7, 18-21, and 25 were discussed.
- 3) *Identification of specific prior art discussed*
Not applicable.
- 4) *Identification of the principal proposed amendments of a substantive nature discussed*
Not applicable.
- 5) *Brief identification of the principal arguments presented to the Examiner*
Applicants' Representative inquired as to which elections were required for the Examiner Gudibande's Restriction Requirement if various groups were elected, and also discussed the elections which would be required to prosecute linking claim 1.
- 6) *General indication of any other pertinent matters discussed*
Not applicable.
- 7) *General results or outcome of the interview*
Examiner Gudibande and Applicants' Representative did not reach agreement with respect to the claims or the elections of groups or species contained in the Restriction Requirement.

RESTRICTION REQUIREMENT

The Examiner requires restriction of the present application to one of the following groups of claims:

Group I, including claims 3-5, 8-13, 16, 26 and 27, drawn to a drug set forth in claim 1 wherein an antibody displayed on a particle surface fused with the particle forming protein via ZZ tag or biotin-streptavidin interaction and wherein the particle forming protein comprises of a modified hepatitis B surface-antigen protein;

Group II, including claims 6, 7, and 25 drawn to a drug set forth in claim 1 wherein the hollow nanoparticles of particle forming protein are expressed in a eukaryotic cell;

Group III, including claims 14 and 15 drawn to a drug set forth in claim 1 wherein the disease treating substance comprises a gene;

Group IV, including claims 18-21, drawn to hollow nanoparticles that comprise a hepatitis B virus surface-antigen;

Group V, including claims 2 (in part) and 22-24, drawn to a drug set forth in claim 2 wherein an cancer specific antibody displayed on a particle surface fused with the particle forming protein via ZZ tag or biotin-streptavidin interaction;

Group VI, including claims 2 (in part) and 22-24, drawn to a drug set forth in claim 2 wherein an anti-virus protein antibody displayed on a particle surface fused with the particle forming protein via ZZ tag or biotin-streptavidin interaction;

Group VII, including claim 17, drawn to a disease treating method administering the drug of claim 1; and

Group VIII, including claim 28, drawn to a disease treating method administering the drug of claim 2.

APPLICANT'S ELECTION

In response to the Examiner's restriction requirement, Applicants elect to prosecute **GROUP IV including claims 18-21**. Applicants reserve the right to file one

or more divisional applications directed to any non-elected claims. Applicants also acknowledge that the election of Group IV in this response replaces the election of Group I in a previous response.

ELECTION OF SPECIES

In addition to the Restriction Requirement, the Examiner is also imposing a series of species elections that must also be made in light of the response to the Restriction Requirement. As identified by the Examiner, the species from which the Applicant must elect include:

A single species of antibody must be elected from those recited in claims 1-5 and 22-24.

A single species of particle forming protein (with a SEQ ID NO., if available) must be elected from those recited in claims 1, 8-13 and 18-21.

A single species of the substances including an identification of a structure, a chemical formula or a SEQ ID NO., to further define the 'substance' as recited in claim 1.

APPLICANT'S ELECTION

In response to the Examiner's election of species requirement, Applicants elect species as follows:

Applicants elect a specific anti-human EGF receptor utilized in Example C-4, the clone 7G7B6 as the single species of antibody.

Applicants elect SEQ. ID NO. 157 (DNA) & 158 (amino acids), "61-164 (Q129R/G145R) + ZZ (serotype d)" as the single species of particle forming protein.

Applicants elect SEQ. ID NO. 175, "HSV1-tk (herpes simplex virus type-1 thymidine kinase)" as the single species of substance.

Applicants also acknowledge that the election of species presented here replace any previously made species elections contained in earlier responses.

CONCLUSION

In view of above remarks, reconsideration of the outstanding rejection and allowance of the pending claims is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Donald J. Daley, Reg. No. 34,313 at the number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, PLC

By 

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